

ST: Conform Full-Payment Check Law to UCC.

A BILL TO BE ENTITLED

AN ACT TO CONFORM TO THE COMPARABLE PROVISION OF THE UNIFORM  
COMMERCIAL CODE THIS STATE'S LAW ON ACCORD AND SATISFACTION  
OF A DISPUTED DEBT THROUGH THE TENDERING OF A NEGOTIABLE  
INSTRUMENT AS FULL PAYMENT OF THE DEBT, AS RECOMMENDED BY  
THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 25-3-311 reads as rewritten:

**"§ 25-3-311. Accord and satisfaction by use of instrument.**

(a) If a person against whom a claim is asserted proves that (i) that person in good faith tendered an instrument to the claimant as full satisfaction of the claim, (ii) the amount of the claim was unliquidated or subject to a bona fide dispute, and (iii) the claimant obtained payment of the instrument, the following subsections apply.

(b) Unless subsection (c) of this section applies, the claim is discharged if the person against whom the claim is asserted proves that the instrument or an accompanying written communication contained a conspicuous statement to the effect that the instrument was tendered as full satisfaction of the claim.

(c) Subject to subsection (d) of this section, a claim is not discharged under subsection (b) of this section ~~when the claimant, if an organization, proves that (i) within a reasonable time before the tender, the claimant sent a conspicuous statement to the person against whom the claim is asserted that communications concerning disputed debts, including an instrument tendered as full satisfaction of a debt, are to be sent to a designated person, office, or~~

~~place, and (ii) the instrument or accompanying communication was not received by that  
designated person, office, or place if either of the following applies:~~

~~(1) The claimant, if an organization, proves that (i) within a reasonable time  
before the tender, the claimant sent a conspicuous statement to the person  
against whom the claim is asserted that communications concerning  
disputed debts, including an instrument tendered as full satisfaction of a  
debt, are to be sent to a designated person, office, or place, and (ii) the  
instrument or accompanying communication was not received by that  
designated person, office, or place.~~

~~(2) The claimant, whether or not an organization, proves that within 90 days  
after payment of the instrument, the claimant tendered repayment of the  
amount of the instrument to the person against whom the claim is asserted.  
This subdivision does not apply if the claimant is an organization that sent  
a statement complying with clause (i) of subdivision (1) of this subsection.~~

(d) A claim is discharged if the person against whom the claim is asserted proves that  
within a reasonable time before collection of the instrument was initiated, the claimant, or an  
agent of the claimant having direct responsibility with respect to the disputed obligation, knew  
that the instrument was tendered in full satisfaction of the claim."

**SECTION 2.** This act becomes effective October 1, 2016, and applies to negotiable  
instruments tendered in full satisfaction of a claim on or after that date.